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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,996	07/11/2000	Viswanathan Swaminathan	83000.1035C	2771

7590

08/10/2005

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EXAMINER

MANIWANG, JOSEPH R

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/614,996

Applicant(s)

SWAMINATHAN ET AL.

Examiner

Joseph R. Maniwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 93-184 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 93-105, 113-143, 148-159, 161-171 and 179-184 is/are allowed.
- 6) ☒ Claim(s) 106-112, 144-147, 160 and 172-178 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

AP

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 04/19/05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Pat. No. 6,092,120 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 106-112, 144-147, 160, and 172-178 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. Regarding claims 106-112, "A programmable control system for handling byte code transport, wherein the programmable control system comprises: a computer-readable medium having computer program code embodied therein, wherein the computer program code is configured to cause the programmable control system to: receive...; extract...; and time..." would normally be considered statutory unless the specification defines "computer-readable medium" as including intangible media such as signals, carrier waves, transmissions, optical waves, transmission media or other media incapable of being touched or perceived absent the tangible medium through

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which they are conveyed. In this case, the Specification defines such a computer readable medium as "computer software" (see Specification, p. 17, lines 14-18).

5. Regarding claims 144-147, "A computer program embodied on a computer-readable medium, wherein the computer-program is executable to: receive...; read...; extract...; start...; complete...; determine...; and assert..." would normally be considered statutory unless the specification defines "computer-readable medium" as including intangible media such as signals, carrier waves, transmissions, optical waves, transmission media or other media incapable of being touched or perceived absent the tangible medium through which they are conveyed. In this case, the Specification defines such a computer readable medium as "computer software" (see Specification, p. 17, lines 14-18).

6. Regarding claim 160, "A computer program embodied on a computer-readable medium, wherein the computer program is executable to prepare byte code for transmission by: creating...; and adding..." would normally be considered statutory unless the specification defines "computer-readable medium" as including intangible media such as signals, carrier waves, transmissions, optical waves, transmission media or other media incapable of being touched or perceived absent the tangible medium through which they are conveyed. In this case, the Specification defines such a computer readable medium as "computer software" (see Specification, p. 17, lines 14-18).

7. Regarding claims 172-178, "A programmable control system for handling byte code transport, wherein the programmable control system comprises: a computer-

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readable medium having computer program code embodied therein, wherein the computer program code is configured to cause the programmable control system to: receive...; extract...; and time..." would normally be considered statutory unless the specification defines "computer-readable medium" as including intangible media such as signals, carrier waves, transmissions, optical waves, transmission media or other media incapable of being touched or perceived absent the tangible medium through which they are conveyed. In this case, the Specification defines such a computer readable medium as "computer software" (see Specification, p. 17, lines 14-18).

Allowable Subject Matter

8. Claims 93-105, 113-143, 148-159, 161-171, and 179-184 are allowed.
9. The following is an examiner's statement of reasons for allowance:
10. The provision for handling byte code comprising receiving a data stream; identifying a byte code header in the stream; and extracting information from the header, including references to one or more classes, a first time, and a second time; starting the loading of the one or more classes after the first time; and completing the loading of the one or more classes before the second time is not fairly taught or suggested by the prior art of record. Support for this functionality can be found in the Specification, p. 34, line 5 through p. 35, line 16; Fig. 7.
11. The provision for handling byte code comprising receiving a data stream; identifying a byte code header in the stream; and extracting information from the header, including references to one or more classes, and a first time; and completing

the loading of the one or more classes before the first time is not fairly taught or suggested by the prior art of record. Support for this functionality can be found in the Specification, p. 34, line 5 through p. 35, line 16; Fig. 7.

12. The provision for preparing byte code for transmission comprising creating a data stream including a first class and a second class; and adding a byte code header to the stream, including information specifying a first time by which the first class will be loaded, information specifying a second time for starting the loading of the first class, and information identifying a second class to be loaded before the first class, wherein the first class is dependent upon the second class is not fairly taught or suggested by the prior art of record. Support for this functionality can be found in the Specification, p. 33, line 4 through p. 34, line 3; Fig. 6.

13. The provision for receiving byte code comprising receiving a data stream of packets; reading a byte code header from the stream; and extracting information from the header, including a first time by which a first class will be loaded, a second time before which loading of the first class will not be started, and information identifying one or more additional classes to be loaded, wherein the first class is dependent upon the one or more additional classes is not fairly taught or suggested by the prior art of record. Support for this functionality can be found in the Specification, p. 34, line 5 through p. 35, line 16; Fig. 7.

14. The provision for receiving a data stream; identifying a byte code header within the data stream; extracting information from the header including a first reference to a first set of one or more classes, a second reference to a second set of one or more

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classes, a first time, and a second time; loading the second set of one or more classes; beginning loading of the first set of one or more classes no sooner than the first time and after the second set of one or more classes has completed loading; and completing the loading of the first set of one or more classes by the second time, wherein the first set of classes are dependent upon the second set of one or more classes is not fairly taught or suggested by the prior art of record. Support for this functionality can be found in the Specification, p. 34, line 5 through p. 35, line 16; Fig. 7.

15. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM

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